

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 24, 2018

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender:	Kevin Robert Chastain	Case Number:	0980 2:13CR00094-RMP-1
Address of Offender:	[REDACTED] Spokane, Washington 99208		
Name of Sentencing Judicial Officer:	The Honorable Lonny R. Suko, Senior U.S. District Judge		
Name of Supervising Judicial Officer:	The Honorable Rosanna Malouf Peterson, U.S. District Judge		
Date of Original Sentence:	January 7, 2014	Date of Revocation Sentence:	June 14, 2018
Original Offense:	Possession of a Firearm by a Prohibited Person, 18 U.S.C. § 922(g)(1)		
Original Sentence:	Prison - 41 months	Type of Supervision:	Supervised Release
	TSR - 36 months		
Revocation Sentence:	Prison - 30 days		
	TSR - 31 months		
Asst. U.S. Attorney:	Stephanie A. Van Marter	Date Supervision Commenced:	June 15, 2018
Defense Attorney:	Federal Defender's Office	Date Supervision Expires:	January 14, 2021

PETITIONING THE COURT

To issue a summons and to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 10/10/2018.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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4	<u>Mandatory Condition #1:</u> You must not commit another federal, state, or local crime.
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Supporting Evidence: On October 19, 2018, Kevin Chastain was arrested by the Spokane Police Department, and charged with possession of a controlled substance with intent to deliver and possession of a firearm (case #2018-20209028).

On June 22, 2018, an officer from the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Chastain, as outlined in the judgement and sentence. He signed a copy acknowledging the requirements.

On October 22, 2018, the undersigned officer reviewed Spokane Police Department's (SPD) field case reports relative to Mr. Chastain's arrest on October 19, 2018. According to the reports, at approximately 1 p.m. on October 19, 2018, law enforcement officers were driving by an address associated with Mr. Chastain and located a tan colored Chevrolet trailblazer, which the offender was believed to be driving.

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At approximately 3:42 p.m., the trailblazer was seen leaving the residence. Once officers were able to confirm Kevin Chastain was driving the vehicle, a stop was initiated. A search of the offender, incident to arrest, revealed an empty small black gun holster, multiple plastic containers containing heroin, and \$937 cash in Mr. Chastain's wallet.

On October 20, 2018, SPD executed a search warrant on the offender's trailblazer. Inside the center console, they located a black semiautomatic handgun under a plastic baggy with marijuana in it.

- 5 **Mandatory Condition #2:** You must not unlawfully possess a controlled substance, including marijuana, which remains illegal under federal law.

Supporting Evidence: On October 19, 2018, Mr. Chastain was arrested by the Spokane Police Department and charged with possession of a controlled substance with intent to deliver (case #2018-20209028).

On June 22, 2018, an officer from the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Chastain, as outlined in the judgement and sentence. He signed a copy acknowledging the requirements.

After being arrested by SPD on October 20, 2018, a search incident to arrest was conducted on Mr. Chastain. During that search, officers located two round containers and a pink plastic bindle that contained a black substance which, based on their training and experience, they recognized as heroin. A field test confirmed the substance was heroin.

On October 20, 2018, SPD executed a search warrant on the offender's trailblazer. Inside the center console, they located a plastic baggy of marijuana. A black Husky tool box was located on the rear seat of the offender's vehicle. Inside the tool box officers located a glass pipe with white residue (believed to be methamphetamine), an electronic digital scale, and two small clear plastic baggies commonly used for narcotic distribution.

- 6 **Standard Condition #10:** You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).

Supporting Evidence: On October 19, 2018, Mr. Chastain was arrested by the Spokane Police Department and charged with possession of a firearm (case #2018-20209028).

On June 22, 2018, an officer from the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Chastain, as outlined in the judgement and sentence. He signed a copy acknowledging the requirements.

After being arrested by SPD on October 20, 2018, a search incident to arrest was conducted on Mr. Chastain. During that search, officers located an empty small black gun holster in the offender's right front pants pocket. When questioned about the holster and whether or not he had a gun, Mr. Chastain stated he did not have a gun. When asked where the holster came from, he stated he wasn't sure. When asked why he would have a holster and no gun, Mr. Chastain replied: "its just one of those things sir, I don't know".

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On October 20, 2018, SPD executed a search warrant on the offender's trailblazer. Inside the center console, they located a Keltec 9mm (serial #30064) with a loaded magazine. There were approximately seven rounds remaining in the magazine. According to SPD's affidavit of facts, "the handgun appeared to be the size that would fit in the holster removed from Chastain's pocket."

The U.S. Probation Office respectfully recommends the Court issue a summons and incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 10/24/218

s/Amber M.K. Andrade

Amber M.K. Andrade

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

10/24/2018

Date